

## **REMARKS**

### **I. Introduction**

Claims 1 to 11, and 13 to 18 are currently pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

### **II. Rejection of Claims 1 and 2 Under 35 U.S.C. § 103(a)**

Claims 1 and 2 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,275,231 (“Obradovich”) in view of U.S. Patent No. 5,588,046 (“Knuth et al.”). It is respectfully submitted that the present rejection should be withdrawn for at least the following reasons.

Claim 1 relates to a device for receiving data via radio signals in a motor vehicle and provides, inter alia, *an input device, which, when operated once, in the event of a fault, puts the device in a state defined in the memory for playing back the data.*

The Office Action admits that Obradovich does not disclose, or suggest, an input device, which, when operated once, “in the event of a fault, puts the device in a state defined in the memory for playing back the data.” (Office Action, p. 3). However, the Office Action asserts that Knuth et al. disclose this feature at column 4, lines 38 to 58, and column 6, lines 55 to 67. It is respectfully submitted that the combination of Obradovich and Knuth et al. does not render unpatentable the presently pending claims.

Knuth et al. merely indicate a digital telephone answering device which continuously tests the entire RAM in a “background mode,” such that the testing is temporarily suspended when user input occurs. (Knuth et al., col. 3, line 59 to col. 4, line 2; col. 4, lines 38 to 58). Knuth et al. refer generally to a memory checking routine which marks faulty memory to be avoided during message recording, without interfering with normal device operation, but does not indicate in the event of a fault, putting the device in a state defined for playing back the data. Thus, Knuth et al. do not disclose, or suggest, an input device, which, when operated once, **in the event of a fault, puts the device in a state defined in the memory for playing back the data**, as provided for in the context of claim 1.

Thus, the combination of Obradovich and Knuth et al. does not disclose, or suggest, all of the features recited in claim 1. Accordingly, the combination of Obradovich and Knuth et al. does not render unpatentable claim 1.

Claim 2 depends from claim 1 and therefore includes all of the features recited in claim 1. It is therefore respectfully submitted that the combination of Obradovich and

Knuth et al. does not anticipate claim 2 for at least the same reasons set forth above in support of the patentability of claim 1.

Withdrawal of this rejection is therefore respectfully requested.

### **III. Rejection of Claims 3 to 11, and 13 to 18 Under 35 U.S.C. § 103(a)**

Claims 3 to 11, and 13 to 18 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Obradovich, Knuth et al., and U.S. Patent No. 6,779,196 (“Igbinadolor”). It is respectfully submitted that the present rejection should be withdrawn for at least the following reasons.

Claims 3 to 11, and 13 to 18 ultimately depend from claim 1 and are therefore patentable for the same reasons as claim 1, since Igbinadolor does not cure, and is not asserted to cure, the critical deficiencies noted above with respect to the combination of Obradovich and Knuth et al. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988) (any dependent claim that depends from a non-obvious independent claim is non-obvious).

As further regards claim 6 and its dependent claims, *i.e.*, claims 7 to 10, claim 6 recites that the input device, when operated once, in the event of a fault, puts the device in a state that leads to the display of selection options including a first selection option to resume data reception from a service, a second selection option to resume a service used previously, a third selection option to return to a selected portal of a service provider, and a fourth selection option to restart the device. The Office Action asserts that each of these options is disclosed, or suggested, by the combination of Obradovich, Knuth et al., and Igbinadolor. (Office Action, p. 4). Even if Igbinadolor does disclose, or suggest, each of these options, which Applicants do not concede, the combination of Obradovich, Knuth et al., and Igbinadolor does not disclose, or suggest, an input device that, when operated once, in the event of a fault, puts the device in a state that leads to the display of these selection options. For this additional reason, it is respectfully submitted that the combination of Obradovich, Knuth et al., and Igbinadolor does not render unpatentable claim 6.

As further regards claim 11, claim 11 recites that the input device includes a pushbutton that causes various states of the device after operation for different periods of time. The Examiner refers to column 5, lines 3 to 57 of Igbinadolor as assertedly disclosing, or suggesting, these features. However, the cited section does not refer to operation of a button for different periods of time or causing various states after such operation. For this additional reason, it is respectfully submitted that the combination of Obradovich, Knuth et al., and Igbinadolor does not render unpatentable claim 11.

Withdrawal of this rejection is therefore respectfully requested.

**IV. Conclusion**

In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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